

The CASE of Mr. Joseph Mitchell, Son and Heir, and Administrator of Sir Michael Mitchell, Knight, and Alderman of the City of Dublin, lately Deceased. 263

THAT Sir Michael Michell, during the late Oppressive Popish Government in *Ireland*, and immediately after His Majesty's Victory at the *Boyne*, until the Reduction of *Limerick*, did many Signal Services for His Majesty King *William*, and *English* Interest, in which he suffered extremely in the Provision made for his Family, as by Testimonials from the Lord-Mayor, Sheriffs, Commons, and Citizens of the City of *Dublin*, and under the Hands of several of the Nobility and Gentry of *Ireland*, ready to be produced, may appear.

THAT in Consideration of the Services and Sufferings of the said Sir Michael Michel, His Majesty was Graciously pleased to Grant unto him the Benefit of a Mortgage for 800*l.* on Lands, in the County of *Roscommon*, and ~~or an Annuity, or Rent-charge, of 200*l.* per Annum~~, charged upon certain Lands in the County of *Catherlogh*, (Forfeited by one *Oliver Eustace*, for his Life only,) with this Proviso, The said Sir Michael Michell discovering and making out His Majesty's Title to the said Forfeitures, not being in His Majesty's Possession, and Rejected by the Commissioners of the Revenue and Forfeitures, the Prosecution being so Perplexed and Chargeable.

THAT Sir Michael Mitchell well hoped he might have reap'd the Benefit of His Majesty's Bounty: But to Obstruct the same, *Elenor* the Wife of the said *Oliver Eustace*, (who was to have the said Annuity for Life in Remainder,) falsely pretended that her Husband was dead, and produced several Affidavits to prove the same. And to Detect this Falshood, there were several Trials at the *Exchequer-Bar* in *Ireland*; which was done to the Satisfaction of all that heard the said Trials: And *Elenor*'s Witnesses that swore that *Oliver Eustace* was dead, were Convicted of Wilful Perjury at the *King's-Bench* Barr, and were Pillored, and lost their Ears for the same, as by Certificate from the Attorney and Sdicator-General of *Ireland*, ready to be produced, may likewise appear.

THAT the Prosecution for the said Forfeitures cost the said Sir Michael above 1450*l.* *Sterling*, and the said Joseph Mitchell 120*l.* *Sterling*, since his said Father's Death, and not One Penny thereof received out of the said Forfeited Estate, but 140*l.* *Sterling*, or thereabouts, of which 45*l.* was paid for Arrears of Quit-Rent.

THAT he said Sir Michael being Reduced in his own Fortune, was forced to borrow Considerable Summs of Money of divers Persons, for which the said Joseph was bound with his said Father: And the said Joseph also lent his said Father 450*l.* *Sterling* to help to carry on the Suits against the said *Eustace*, which was part of a Portion the said Joseph had lately receiv'd on Marriage.

THAT Sir Michael died Intestate, and left a Widow and Five Children, besides his said Eldest Son and Heir, unprovided for and his Estate in such Disorder, by Reason of the said Debts Contracted, as aforesaid, and Occasioned by his Sufferings in His Majesty's Service: So that if the Grant made to Sir Michael Mitchell, by His Majesty, as aforesaid, shall not stand firm, that which His Majesty intended as a Reward hath Occasioned the utter Ruine of Hinsel and Numerous Family.

THIS being the True State of the Case, the said Joseph Mitchel hopes the Parliament will take the same into Consideration, and Grant him a Saving for the Grant made to his said Father, there not being the like Case in *Ireland*, wherein any Patentee hath been to the like Expence in so small a Concern; which if never Granted away, could not have been Recovered otherwise for His Majesty.

WHEREAS His Majesty was Graciously pleased to Grant unto Sir Michael Mitchell, Knight, Deceased, and his Heirs, (in Testimony of his Gracious Acceptance of his Services, and for the Support of his Numerous Family,) an Annuity or Rent-charge of Two Hundred Pounds per Annum, during the Life of *Oliver Eustace*, out of certain Lands in the County of *Catherlogh*, Forfeited by the Attainder of the said *Oliver*. NOW, at the Request of Mr. Joseph Mitchell, We Certifie, That the Wife of the said *Oliver*, to whom the Remainder of the said Estate was to descend, hath used all manner of Unfair and Unjust means to Prevent the said Sir Michael Mitchell from the Benefit of the said Grant, by bringing Ejectments to Recover the Lands out of which the said Annuity or Rent-charge was to issue, and Suborning many Witnesses to Swear her said Husband to be dead in a Remote Part of *Connaught*; which, by Reason of the Distance of the Place, she supposed could not be Disproved. But the said Sir Michael Mitchell and Joseph Mitchell, by extraordinary Labour and great Expence, on several Inquisitions, and in Two several Trials in His Majesty's Court of *Exchequer*, at the Bar of the said Court proved the said *Oliver* to be yet living: And the said Sir Michael Mitchell did Indict and brought to Trial Andrew Nugent one of her Principal Evidences (who had Perjured himself on the said Trials) in His Majesty's Court of King's-Bench, at the Bar of the said Court, who was Convicted, Sentenced to the Pillory, and Pillored for the same; and Redmond Bodkin, Garret Dooner, Jane Nugent, and Katherine Coffee, Four more of the said Witnesses, are Convicted of Perjury by Outlawry. And we farther Certifie our Opinion, That in the Prosecution, Recovery, and Defence of His Majesty's Title to the said Annuity or Rent-charge, the said Sir Michael Mitchell and the said Joseph Mitchell have Expended near the full Value thereof, considering how Perplexed the Titles of the said Lands are. All which, at the Desire of the said Mr. Mitchell, we Certifie this 20th. Day of November, 1699.

Rob. Rochford.
Al. Brodrick.